

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GORGE DESIGN GROUP, LLC, *et al.*,

Plaintiffs,

v.

SYARME, *et al.*,

Defendants.

Civil Action No. 2:20-cv-1384

**FILED UNDER SEAL**

**MEMORANDUM OF LAW IN SUPPORT OF  
*EX PARTE* APPLICATION FOR: 1) TEMPORARY RESTRAINING ORDER;  
2) AN ORDER RESTRAINING ASSETS AND MERCHANT STOREFRONTS;  
3) AN ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD  
NOT ISSUE; AND 4) AN ORDER AUTHORIZING EXPEDITED DISCOVERY**

Stanley D. Ference III  
Pa. ID No. 59899  
courts@ferencelaw.com

Brian Samuel Malkin  
Pa. ID No. 70448  
bmalkin@ferencelaw.com

FERENCE & ASSOCIATES LLC  
409 Broad Street  
Pittsburgh, Pennsylvania 15143  
(412) 741-8400 – Telephone  
(412) 741-9292 – Facsimile

Attorneys for Plaintiffs

## TABLE OF CONTENTS

TABLE OF AUTHORITIES .....	iii
I. INTRODUCTION .....	1
II. STATEMENT OF FACTS .....	6
A. PLAINTIFFS’ INNOVATIVE PRODUCT .....	6
B. PLAINTIFFS’ RIGHTS.....	8
C. PLAINTIFFS’ EFFORTS TO POLICE THE DEFENDANTS’ CONDUCT .....	9
D. THE DEFENDANTS’ WRONGFUL CONDUCT .....	11
III. ARGUMENT .....	15
A. THIS COURT HAS PERSONAL JURISDICTION OVER DEFENDANTS .....	15
1. Defendants are Subject to Personal Jurisdiction Under 42 P.A. Cons. Stat. § 5322 .....	15
2. Exercising Personal Jurisdiction Over Defendants Comports With Due Process .....	20
B. PLAINTIFF IS ENTITLED TO AN <i>EX PARTE</i> TEMPORARY RESTRAINING ORDER AND A PRELIMINARY INJUNCTION.....	27
1. Plaintiffs Will Suffer Irreparable Harm in The Absence of an Injunction Leaving Them With No Adequate Remedy at Law.....	30
2. Plaintiffs Are Likely to Prevail on The Merits of Their Lanham Act Claims .....	34
a. Defendants’ Use of Plaintiffs’ Photographs .....	35
b. Defendants’ Use of Plaintiffs’ Common Law Trademark .....	38
1. Plaintiffs’ Mark is Strong and Distinctive .....	39
2. Defendants’ Infringing Products and Marks are Virtually Identical Plaintiffs’ Product and Plaintiffs’ Mark .....	40

3.	The Sophistication of Purchasers.....	41
4.	Defendants Acted in Bad Faith .....	41
5.	Actual Confusion Can Be Inferred Between Defendants’ Infringing Products and the Plaintiffs’ Product .....	42
6.	Defendants’ Infringing Products Are of Inferior Quality ..	43
7.	Defendants’ Infringing Products Directly Compete With The Plaintiffs’ Product and There is No Gap to Bridge .....	43
3.	Plaintiffs Are Likely to Prevail on Their Patent Infringement Claim.....	45
4.	Plaintiffs Are Likely to Prevail on Their State Law Claims .....	45
5.	The Balance of Hardships Favors Plaintiffs .....	46
6.	The Relief Sought Serves The Public Interest .....	47
C.	PLAINTIFFS ARE ENTITLED TO AN ORDER PREVENTING 1) THE FRAUDULENT TRANSFER OF ASSETS AND 2) FREEZING OF DEFENDANTS’ MERCHANT STOREFRONTS.....	47
1.	Defendants’ Assets Must be Frozen .....	47
2.	Defendants’ User Accounts and Merchant Storefronts Must be Frozen .....	52
3.	Transferring the Defendant’s Domain Names to Plaintiffs’ Control is Appropriate.....	54
D.	PLAINTIFFS ARE ENTITLED TO AN ORDER AUTHORIZING EXPEDITED DISCOVERY.....	55
E.	PLAINTIFFS’ REQUEST FOR A SECURITY BOND IN THE AMOUNT OF \$5,000 IS ADEQUATE.....	58
IV.	CONCLUSION.....	60

## **TABLE OF AUTHORITIES**

### **Cases**

<i>A &amp; H Sportswear v. Victoria’s Secret Stores, Inc.</i> , 237 F.3d 198 (3d Cir. 2000) .....	39
<i>A.T. Cross Co. v. Jonathan Bradley Pens, Inc.</i> , 470 F.2d 689, (2d Cir. 1972) .....	41
<i>AI Mortg. Corp. v. AI Mortg. and Financial Services, LLC</i> , 2006 WL 1437744 (W.D. Pa. 2006).....	16
<i>A-I Mortg. Corp. v. Day One Mortg., LLC</i> , 2007 WL 30317 (W.D. Pa. 2007) .....	17
<i>Abbott Labs. v. Sandoz, Inc.</i> , 544 F.3d 1341, 1362 (Fed. Cir. 2008) .....	32
<i>Abercrombie &amp; Fitch Trading Co. v. Abercrombieclassic.com</i> , No. 15-62579-CIV-CMA, 2015 U.S. Dist. LEXIS 179041, at *5 (S.D. Fla. Dec. 11, 2015) ..	19
<i>Adidas AG v. 007adidasuk.com</i> , No. 15-61275-CIV-GAYLES, 2015 U.S. Dist. LEXIS 179020, at *8 (S.D. Fla. 2015) .....	19
<i>Admarketplace, Inc. v. Tee Support, Inc.</i> , No. 13-cv-5635- LGS, 2013 U.S. Dist. LEXIS 129749, at *5 (S.D.N.Y. Sep. 11, 2013)..	56, 57
<i>Advance Magazine Publr. Inc. v. Vogye Intern.</i> , 123 F. Supp. 2d 790 (D.N.J. 2000) .....	46
<i>Advanced Portfolio Technologies, Inc. v. Advanced Portfolio Technologies Ltd.</i> , 1994 U.S. Dist. LEXIS 18457, at *7 (S.D.N.Y. Dec. 28, 1994) .....	56
<i>Advanced Tactical Ordnance Systems, LLC v. Real Action Paintball, Inc.</i> , 751 F.3d 796, 803 (7th Cir. 2010) .....	18
<i>Airigan Solutions, LLC v. Artifacts Selling</i> , No. 18-cv-1462 (W.D. Pa. Oct. 31, 2018) (Fischer, J.) .....	6, 59
<i>Airigan Solutions, LLC v. Babymove</i> , No. 19-cv-166 (W.D. Pa. Feb. 14, 2019) (Fischer, J.).....	6, 59
<i>Allstar Marketing Group, LLC v. 158, et al.</i> , No. 18-cv-4101-GHW, Dkt. 22 (S.D.N.Y. May 17, 2018) .....	14

<i>Animale Grp. Inc. v. Sunny’s Perfume Inc.</i> , 256 F. App’x 707, (5th Cir. 2007) .....	49
<i>Asahi Metal Indus. Co., Ltd. v. Superior Court of California</i> , 480 U.S. 102, 109, 107 S.Ct. 1026, 94 L.Ed.2d 92 (1987).....	21
<i>AT&amp;T Co. v. Winback and Conserve Program, Inc.</i> , 42 F.3d 1421, 1427 (3d Cir. 1994) .....	30, 34, 42
<i>AW Licensing, LLC v. Bao</i> , No. 15-cv-1373, 2015 U.S. Dist. LEXIS 177101, at *3 (S.D.N.Y. Apr. 1, 2015).....	14, 53
<i>Ayyash v. Bank Al-Madina</i> , 233 F.R.D. 325, 326 (S.D.N.Y. 2005) .....	56, 57
<i>Balenciaga Am., Inc. v. Dollinger</i> , No. 10-cv-2912-LTS, 2010 U.S. Dist. LEXIS 107733, at *22 (S.D.N.Y. Oct. 8, 2010) .....	48
<i>Bangor Punta Operation v. Universal Marine Co.</i> , 543 F.2d 1107 (5th Cir. 1976) .....	37
<i>Belstaff Grp. SA v. Doe</i> , No. 15-cv-2242-PKC/MHD, 2015 U.S. Dist. LEXIS 178124, at *2 (S.D.N.Y. June 18, 2015).....	14
<i>Bernard v. Commerce Drug Co.</i> , 774 F. Supp. 103 (E.D.N.Y. 1991) .....	40
<i>Best Van Lines, Inc. v. Walker</i> , 490 F.3d 239, 243 (2d. Cir. 2007) .....	18, 20
<i>Bill Blass, Ltd. v. SAZ Corp.</i> , 751 F.2d 152, 224 U.S.P.Q. (BNA) 753 (3d Cir. 1984) .....	31, 47
<i>Boschetto v. Hansing</i> , 539 F.3d 1011, 1019 (9th Cir. 2008) .....	17
<i>Broad. Music, Inc. v. Prana Hosp., Inc.</i> , 158 F. Supp. 3d 184, 196 (S.D.N.Y. 2016) .....	46
<i>Burger King Corp. v. Rudzewicz</i> , 471 U.S. 462, 475 (U.S. 1985).....	20, 22, 26
<i>Cadbury Beverages Inc. v. Cott Corp.</i> , 73 F.3d 474, 480 (2d Cir. 1996) .....	43
<i>Calder v. Jones</i> , 465 U.S. 783, 788 (1984).....	20

<i>Carteret Sav. Bank, F.A. v. Shushan</i> , 954 F.2d 141 (3d Cir. 1992) .....	20
<i>Cartier International A.G. v. Replicapaneraiwatches.cn</i> , No. 17-cv-62401 (S.D. Fla. Jan. 2, 2018) .....	6
<i>Chambers v. Nasco, Inc.</i> , 501 U.S. 32, 44 (1991) .....	27
<i>Chanel Inc. v. Yang</i> , No. C-12-04428-PJH (DMR), 2013 U.S. Dist. LEXIS 151104, at *5-6 (N.D. Cal. Aug. 13, 2013) .....	13
<i>Chanel, Inc. v. 2012leboyhandbag.com</i> , No. 15-61986-CIV-WJZ, 2015 U.S. Dist. LEXIS 177989, at *3 (S.D. Fla. Oct. 13, 2015) ....	19
<i>Chanel, Inc. v. Chanelstore.com</i> , No. 15-61156-CIV- CMA, 2015 U.S. Dist. LEXIS 179101, at *5 (S.D. Fla. August 31, 2015) .....	19
<i>Chanel, Inc. v. Conklin Fashions, Inc.</i> , No. 3:15-cv-893-MAD/DEP, 2015 U.S. Dist. LEXIS 109886, at *10-13 (N.D.N.Y. Aug. 14, 2015) .....	14
<i>Chanel, Inc. v. Powell</i> , No. C/A 2:08-0404-PMD-BM, 2009 U.S. Dist. LEXIS 127709, at *7 (D.S.C. 2009) .....	13
<i>Checkpoint Sys., Inc. v. Check Point Software Techs., Inc.</i> , 269 F.3d 270, 294–95 (3d Cir. 2001) .....	38
<i>Chloe v. Designersimports.com USA, Inc.</i> , No. 07-cv-1791 -CS/GAY, 2009 U.S. Dist. LEXIS 42351, at *2 (S.D.N.Y. Apr. 29, 2009) ..	14
<i>Coalition for Parity, Inc. v. Sebelius</i> , 709 F.Supp.2d 6 (D.D.C. 2010) .....	30
<i>Columbia Pictures Indus., Inc. v. Jasso</i> , 927 F. Supp. 1075 (N.D. Ill. 1996) .....	29
<i>Crossbow, Inc. v. Dan-Dee Imports, Inc.</i> , 266 F. Supp. 335 (S.D.N.Y. 1967) .....	37
<i>CSC Holdings, Inc. v. Greenleaf Elec., Inc.</i> , 2000 WL 715601 (N.D. Ill. 2000) .....	52
<i>D’Jamoos v. Pilatus Aircraft</i> , 566 F.3d 94, 102 (3d Cir. 2009) .....	15, 25
<i>Dama S.P.A. v. Doe</i> , 2015 U.S. Dist. LEXIS 178076, at *4-6 (S.D.N.Y. June 12, 2015) .....	52

<i>Dastar Corp. v. Twentieth Century Fox Film Corp.</i> , 539 U.S. 23 (2003).....	34
<i>DatatechEnters. LLC v. FFMagnatLtd.</i> , No. 12-cv-04500-CRB, 2012 U.S. Dist. LEXIS 131711, at *12 (N.D. Cal. Sept. 14, 2012)...	50
<i>Deckers Outdoor Corporation v. The Partnerships, et al.</i> , No. 15-cv- 3249 (N.D. Ill. April 4, 2015) (unpublished) .....	54
<i>Dell Inc. v. BelgiumDomains, LLC</i> , Case No. 07-22674 2007 WL 6862341 (S.D Fla. Nov. 21, 2007) .....	28
<i>Doctor’s Assocs., Inc. v. Stuart</i> , 85 F.3d 975, 985 (2d Cir. 1996) .....	60
<i>Doggie Dental Inc. v. Anywill</i> , No. 19-cv-682 (W.D. Pa. June 13, 2019) (Hornak, J.) (sellers on amazon.com) .....	6
<i>Doggie Dental Inc. v. Go Well</i> , No. 19-cv-1282 (W.D. Pa. Oct. 11, 2019) (Hornak, J.) (sellers on amazon.com).....	5
<i>Doggie Dental Inc. v. Max_Buy</i> , No. 19-cv-746 (W.D. Pa. June 27, 2019) (Hornak, J.) (sellers on ebay.com) .....	5
<i>Doggie Dental Inc. v. Worthbuyer</i> , No. 19-cv-1283 (W.D. Pa. Oct. 11, 2019) (Hornak, J.) (sellers on ebay.com) .....	5
<i>eBay, Inc. v. MercExchange, LLC</i> , 547 U.S. 388, 393 (2006); <i>Salinger</i> , 607 F.3d at 80).....	31
<i>Ebling &amp; Reuss Co. v. International Collectors Guild, Ltd.</i> , 462 F. Supp. 716, 720 (E.D. Pa. 1978) .....	37
<i>El Greco Leather Prods. Co. v. Shoe World, Inc.</i> , 806 F.2d 392, 395 (2d Cir. 1986) .....	30, 32
<i>EnviroCare Techs, LLC v. Simanovsky</i> , No. 11-CV-3458, 2012 U.S. Dist. LEXIS 78088, at *10 (E.D.N.Y. June 4, 2012) .....	17
<i>F.T. Int’l Ltd. v. Mason</i> , 2000 WL 1514881 (E.D. Pa. 2000) .....	51
<i>Federal Express Corp. v. Federal Espresso, Inc.</i> , 201 F.3d 168, 173 (2d Cir. 2000) .....	30
<i>Fisons Horticulture, Inc. v. Vigoro Indus., Inc.</i> , 30 F.3d 466, 472 (3d Cir.1994) .....	38, 39

<i>Ford Motor Co. v. Summit Motor Prods. Inc.</i> , 930 F.2d 277, 291 (3d Cir.), <i>cert. denied</i> , 502 U.S. 939, 112 S.Ct. 373, 116 L.Ed.2d 324 (1991).....	38
<i>Fun-Damental Too, Ltd. v. Gemmy Indus. Corp.</i> , 111 F.3d 993, 1004-1005 (2d Cir. 1997) .....	40
<i>Gentex Corp. v. Abbott</i> , 978 F. Supp. 2d 391, 398 (M. D. Pa. 2013).....	24
<i>George Basch Co., Inc. v. Blue Coral, Inc.</i> , 968 F.2d 1532, 1537 (2d Cir. 1992) .....	48
<i>Gourmet Video, Inc. v. Alpha Blue Archives, Inc.</i> , 2008 WL 4755350, *3 (D.N.J. Oct. 29, 2008) .....	24
<i>Grand Entm't Group, Ltd., v. Star Media Sales, Inc.</i> , 988 F.2d 476, 483 (3rd Cir.1993) .....	26
<i>Grecia v. McDonald's Corp.</i> , 2018 U.S. App. LEXIS 5903, at *7-8 (Fed. Cir. Mar. 6, 2018) .....	45
<i>Groupe SEB USA v. Euro-Pro Operating LLC</i> , 774 F.3d 192 (3d Cir.. 2014) .....	32, 43
<i>Grupo Mexicano de Desarrollo, S.A. v. Alliance Bond Funds, Inc.</i> , 527 U.S. 308 (1999).....	49
<i>Gucci Am. v. Bank of China</i> , 768 F.3d 122, 131-132 (2d Cir. 2014) .....	50
<i>Gucci Am., Inc. v. Gucc- Outlet.com</i> , No. 15-62165-CIV-DPG, 2015 U.S. Dist. LEXIS 181483, at *3-4 (S.D. Fla. Nov. 9, 2015)..	19
<i>Gucci Am., Inc. v. Tyrrell-Miller</i> , 678 F. Supp. 2d 117, 119 (S.D.N.Y. 2008) .....	12
<i>Gucci Am., Inc. v. Weixing Li</i> , 768 F.3d 122, 126 (2d Cir. 2014) .....	53
<i>Gucci America, Inc. v. Action Activewear, Inc.</i> , 759 F. Supp. 1060, 1065 (S.D.N.Y. 1991) .....	42
<i>Gucci America, Inc., et al v. Alibaba Group Holding LTD, et al</i> , No. 1:15-cv-03784-PKC (S.D.N.Y. June 23, 2015) .....	14
<i>Hall v. Johnson</i> , 599 F.Supp.2d 1, 6 n. 2 (D.D.C. 2009).....	30

<i>Hamilton-Brown Shoe Co. v. Wolf Bros. &amp; Co.</i> , 240 U.S. 251, 259 (1916).....	50
<i>Helicopteros Nacionales de Colombia, S.A. v. Hall</i> , 466 U.S. at 414 (1984).....	20
<i>HICKIES, Inc. v. Shop1668638 Store, et al.</i> , No. 17-cv-9101-ER, Dkt. 14 (S.D.N.Y. Dec. 6, 2017).....	14
<i>Hoxworth v. Blinder, Robinson &amp; Co., Inc.</i> , 903 F.2d 186 (3d Cir. 1990) .....	5, 51
<i>Hoxworth v. Blinder, Robinson &amp; Co., Inc.</i> , 903 F.2d 186, 210 n. 31 (3d Cir.1990) .....	49, 58
<i>Ideavillage Products Corp. v. Aarhus, et al.</i> , No. 18-cv-2739- JGK, Dkt. 22 (S.D.N.Y. March 28, 2018) .....	14
<i>Ideavillage Products Corp. v. abc789456, et al.</i> , No. 18- cv-2962-NRB, Dkt. 11 (S.D.N.Y. April 11, 2018) .....	14
<i>Ideavillage Products Corp. v. Bling Boutique Store, et al.</i> , No. 16-cv-09039-KMW, Dkt. 9 (S.D.N.Y. Nov. 21, 2016) .....	14
<i>Ideavillage Products Corp. v. Dongguan Opete Yoga Wear Manufacturer Co., Ltd., et al.</i> , No. 17-cv-9099-JMF, Dkt. 19 (S.D.N.Y. Nov. 27, 2017).....	14
<i>Ideavillage Products Corp. v. Dongguan Shipai Loofah Sponge Commodity Factory, et al.</i> , No. 18-cv-901-PGG, Dkt. 20 (S.D.N.Y. Feb. 1, 2018) .....	14
<i>Ideavillage Products Corp. v. Shenzhen City Poly Hui Foreign Trade Co., Ltd., et al.</i> , No. 17-cv- 8704-JGK. (S.D.N.Y. May 24, 2017) .....	14
<i>Illinois v. Hemi Group LLC</i> , 622 F.3d 754, 756 (7th Cir. 2010) .....	19
<i>IMO Industries, Inc. v. Kiekert AG</i> , 155 F.3d 254 (3rd Cir.1998) .....	15
<i>Instant Air Freight Co. v. C.F. Air Freight, Inc.</i> , 882 F.2d 797, 804 (3d Cir.1989) .....	58
<i>Int'l Shoe v. Washington</i> , 326 U.S. 310 (1945).....	25
<i>Intenze Products, Inc. v. 1586, et al.</i> , No. 18-cv-4611-RWS (S.D.N.Y. May 24, 2018) .....	14

<i>Interlink Int’l Fin. Servs., Inc. v. Block</i> , 145 F. Supp. 2d 312, 314 (S.D.N.Y. 2001) .....	60
<i>International Kennel Club v. Mighty Star, Inc.</i> , 846 F.2d at 1092 n. 8 .....	47
<i>International Shoe Co. v. Washington</i> , 326 U.S. 310, 316, 66 S.Ct. 154, 90 L.Ed. 95 (1945).....	21
<i>Int’l Star Class Yacht Racing Ass’n v. Tommy Hilfiger U.S.A., Inc.</i> , 146 F.3d 66, 71-72 (2d Cir. 1998) .....	48
<i>Jiffy Lube Int’l, Inc.</i> , 968 F.2d 371, 378 (3d Cir.1992) .....	31
<i>JLM Couture, Inc. v. Aimibridal, et al.</i> , No. 18-cv-1565-JMF, Dkt. 18 (S.D.N.Y. Feb. 21, 2018).....	14
<i>Johnson v. Couturier</i> , 572 F.3d 1067, 1085 (9th Cir. 2009) .....	50
<i>Juul Labs, Inc. v. The Partnerships and Unincorporated Associations Identified on Schedule “A”</i> , No. 18-cv-1382 (E.D. Va. Nov. 16, 2018).....	6
<i>Klipsch Grp., Inc. v. Big Box Store Ltd.</i> , No. 1:12-cv-06283-VSB, 2012 U.S. Dist. LEXIS 153137, at *3-4 (S.D.N.Y. Oct. 24, 2012).....	14
<i>Kraft Gen. Foods, Inc. v. Allied Old English, Inc.</i> , 831 F. Supp. 123, 132 (S.D.N.Y. 1993) .....	41
<i>L’Aiglon Apparel, Inc. v. Lana Lobell, Inc.</i> , 214 F.2d 649 (3d Cir. 1954) .....	35, 36
<i>L’At hen e, Inc. v. EarthSpring LLC</i> , 570 F.Supp. 588, 593–94 (D. Del. 2008).....	24
<i>Levi Strauss &amp; Co. v. Sunrise Int’l Trading Inc.</i> , 51 F.3d 982, 987 (11th Cir. 1995) .....	49, 51
<i>Link v. Wabush R. R.</i> , 370 U.S. 626, 630 – 31 (1962).....	27
<i>Local 1814, Int’l Longshoremen’s Ass’n v. N.Y. Shipping Ass’n, Inc.</i> , 965 F.2d 1224, 1228 (2d Cir. 1992) .....	30
<i>Lorillard Tobacco Co. v. Applewood Party Store, Inc.</i> , 2006 WL 2925288 .....	16

<i>Louis Vuitton Malletier v. Burlington Coat Factory Warehouse Corp.</i> , 426 F.3d 532, 537 (2d Cir. 2005) .....	30
<i>Louis Vuitton Malletier, S.A. v. 2015shoplvhandbag.com</i> , No. 15-62531-CIV-BLOOM, 2015 U.S. Dist. LEXIS 181477, at *11 (S.D. Fla. Dec. 18, 2015) .....	19
<i>Louis Vuitton Malletier, S.A. v. Mosseri</i> , 736 F.3d 1339, 1356-58 (11th Cir. 2013) .....	18
<i>Malcom v. Esposito</i> , 63 Va. Cir. 440, 446 (Cir. Ct. 2003) .....	18
<i>Malibu Media, LLC v. Doe</i> , 2015 U.S. Dist. LEXIS 87751, at *2-3 (S.D.N.Y. July 6, 2015) .....	56
<i>Malibu Media, LLC v. Doe</i> , 2016 U.S. Dist. LEXIS 64656, at *4 (S.D.N.Y. May 16, 2016) .....	56
<i>Malletier v. 2015louisvuittons.com</i> , No. 15-61973-CIV-BB, 2015 U.S. Dist. LEXIS 181452, at *11 (S.D. Fla. Sep. 29, 2015) ....	19
<i>Malletier v. 2016bagsilouisvuitton.com</i> , No. 16-61554-CIV- DPG, 2016 U.S. Dist. LEXIS 93072, at *3 (S.D. Fla. July 18, 2016) .....	12
<i>Mason Tenders Dist. Council Pension Fund v. Messera</i> , 1997 WL 223077 (S.D.N.Y. May 7, 1997) .....	49
<i>Mateson Chemical Corp. v. Veronon</i> , 2000 WL 680020 (E.D. Pa. May 9, 2000) .....	46
<i>McGee v. Int’l Life Ins. Co.</i> , 355 U.S. 220, 223, 78 S.Ct. 199, 2 L. Ed. 2d 223 (1957) .....	25
<i>Mellon Bank (East) PSFS, N.A. v. DiVeronica Bros., Inc.</i> , 983 F.2d 551, 556 (3d Cir. 1993) .....	22
<i>Merrill Lynch, Pierce, Fenner &amp; Smith, Inc. v. O’Connor</i> , 194 F.R.D. 618, 624 (N.D. Ill. 2000) .....	56
<i>MGM Studios, Inc. v. Grokster, Ltd.</i> , 518 F. Supp. 2d 1197, 1219 (C.D. Cal. 2007) .....	33
<i>Microsoft Corp. v. Jun Yan</i> , 2010 U.S. Dist. LEXIS 14934 (Dist. Conn. Feb. 18, 2010) .....	51
<i>Milk Studios, LLC v. Samsung Elecs. Co.</i> , 2015 U.S. Dist. LEXIS 38710, at *4-5 (S.D.N.Y. Mar. 25, 2015) .....	56

<i>Millennium IP, Inc. v. The Partnerships and Unincorporated Associations Identified on Schedule “A”</i> , No. 18-cv-3778 (N.D. Ill. June 6, 2018).....	6
<i>Milliken v. Meyer</i> , 311 U.S. 457 (1940).....	20
<i>Mint, Inc. v. Iddi Amad</i> , No. 10-cv-9395-SAS, 2011 U.S. Dist. LEXIS 49813, at *9 , n.23 (S.D.N.Y. May 9, 2011).....	32, 46
<i>Monster Energy Co. v. Chen Wensheng</i> , 136 F. Supp. 3d 897, 906 (N.D. Ill. 2015).....	19
<i>Moose Toys Pty LTD et al. v. Guangzhou Junwei Trading Company d/b/a Backgroundshop et al.</i> , No. 17-cv-2561-LAK, Dkt. 12 (S.D.N.Y. May 11, 2017).....	14
<i>Moose Toys Pty Ltd. et al., v. 963, et al.</i> , No. 18-cv-2187-VEC, Dkt. 16 (S.D.N.Y. April 2, 2018).....	14
<i>Moose Toys Pty, Ltd. v. Thriftway Hylan Blvd. Drug Corp.</i> , No. 15- cv-4483-DLI/MDG, 2015 U.S. Dist. LEXIS 105912, at *8 (E.D.N.Y. Aug. 6, 2015).....	29
<i>Mycoskie v.2016tomsshoessaleoutlet.us</i> , No. 16-61523- CIV -GAYLES, 2016 U.S. Dist. LEXIS 95963, at *4 (S.D. Fla. July 22, 2016).....	19
<i>N. Face Apparel Corp. v. Fujian Sharing Imp. &amp; Exp. Ltd. Co.</i> , No. 1:10- cv-1630-AKH, 2011 U.S. Dist. LEXIS 158807 (S.D.N.Y. June 24, 2011) .....	14
<i>N.Y. State Soc’y of CPA’s v. Eric Louis Assocs.</i> , 79 F. Supp. 2d 331, 340 (S.D.N.Y. 1999).....	42
<i>National Dynamics Corp. v. John Surrey, Ltd., (Inc.)</i> , 238 F.Supp. 423 (S.D.N.Y. 1963) .....	37
<i>National Football League v. Chen Cheng, et al.</i> , No. 11-Civ-00344 (S.D.N.Y. January 19, 2011) .....	49
<i>Nemours &amp; Co. v. Yoshida International, Inc.</i> , 393 F. Supp. 502, 514 (E.D.N.Y. 1975) .....	42
<i>North Face Apparel Corp. v. TC Fashions, Inc.</i> , No. 05-cv-9083-RMB, 2006 U.S. Dist LEXIS 14226, at *10 (S.D.N.Y. Mar. 30, 2006) .....	50
<i>Nu Image, Inc. v. The Partnerships and Unincorporated Associations Identified on Schedule “A”</i> , No. 17-cv-2918 (N.D. Ill. May 12, 2017).....	6
<i>NYPHoldings v. New York Post Pub. Inc.</i> , 63 F. Supp. 3d 328, 341 (S.D.N.Y. 2014) .....	31
<i>O’Connor v Sandy Lane Hotel Co., Ltd</i> , 496 F.3d 312 (3rd Cir. 2007) .....	25, 26